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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 THE FALLON PAIUTE-SHOSHONE
16 TRIBE and the CENTER FOR
BIOLOGICAL DIVERSITY,
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Plaintiffs,
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v.
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20 U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
JAKE VIALPANDO, in his official capacity
21 as Field Manager of the Bureau of Land
Management Stillwater Field Office, and
22 ORMAT NEVADA INC.,
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Defendants.
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Case No. 3:21-cv-00512-RCJ-CSD

**JOINT STIPULATION AMENDING
SCHEDULING ORDER**

1 Plaintiffs Fallon Paiute-Shoshone Tribe (“FPST”) and the Center for Biological
2 Diversity (“CBD”), Federal Defendants U.S. Department of the Interior, et al. (“Federal
3 Defendants”), and Defendant Ormat Nevada, Inc. (“Ormat”) (together, the “Parties”) have
4 conferred and hereby jointly submit the following stipulation regarding the Federal
5 Defendants’ and Ormat’s anticipated motions to stay the case and third amendment to the
6 scheduling order, ECF No. 71, for the Court’s consideration.

7 This request to amend the scheduling order is due to factual developments that could
8 change the nature of this litigation. This case involves a challenge to federal approvals
9 associated with the Dixie Meadows Geothermal Project. Defendant Ormat has submitted a
10 request to the U.S. Bureau of Land Management (“BLM”) to change the scope of the project
11 from two geothermal power plants with a total capacity of up to 60 megawatts (MW), to a
12 single geothermal power plant with an estimated output of approximately 12 MW. *See* ECF
13 No. 72-1. In a letter responding to Ormat, BLM has represented that it is now considering
14 whether to adopt Ormat’s proposal and has represented to Ormat that it intends to issue a
15 decision on the proposal by the end of December 2022. Ex. 1. BLM has further represented
16 that if the agency approves Ormat’s proposal, BLM would likely issue a new decision record
17 and rescind the decision record currently in place for the 60 MW project. *Id.* BLM has not
18 yet determined how it intends to conduct environmental review in the event it approves
19 Ormat’s request, or whether the existing Finding of No Significant Impact, which Plaintiffs
20 challenge in the present litigation, would be impacted. Given the foregoing, Defendants
21 intend to move to stay the case, and Plaintiffs intend to oppose the motion to stay.

22 In the interim, however, Federal Defendants’ and Defendant Ormat’s summary
23 judgment oppositions and cross-motions and any motion to strike are due on October 28,
24 and Plaintiffs’ responsive briefs are due December 9. The Parties wish to conserve the Parties’
25 and the Court’s resources by avoiding finalizing and filing summary judgment briefs, and
26 any motion to strike brief, while briefing a motion to stay. To avoid that potential inefficient
27 outcome, the Parties now stipulate to a briefing schedule for the motion(s) to stay and to an
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1 extension of time for Defendants to file their summary judgment papers and any motion to
2 strike.

3 In light of these developments, the Parties have agreed to the schedule set out below:

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- 5 • Federal Defendants shall file a motion to stay on or before October 27, 2022.
 - 6 • Ormat shall file a motion to stay on or before October 31, 2022.
 - 7 • Plaintiffs shall respond to Defendants' motions to stay on or before November 9,
8 2022.
 - 9 • Defendants shall file replies in support of their motions to stay on or before
10 November 30, 2022.
 - 11 • If the motion to stay is denied, Defendants shall file their briefs opposing
12 Plaintiffs' partial motion for summary judgment and in support of their cross-
13 motions for summary judgment, and any motion to strike, fourteen (14) days
14 after a Court order denying the motions to stay is docketed. The parties shall
15 propose a new schedule for the remaining briefs seven (7) days after a Court
16 order denying the motions to stay is docketed.

17 The page limits set forth in the Court's previous scheduling order (ECF No. 70) would
18 remain unchanged.

19 In light of the Parties' commitment to the above briefing schedule, the Parties
20 respectfully request that the Court approve this stipulation.

21 Respectfully submitted this 27th day of October, 2022.

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26 /s/ Kamela A. Caschette
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28 Trial Attorney

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20 *Attorneys for Defendant-Applicant Ormat*
21 *Nevada, Inc.*

22 IT IS SO ORDERED.

23 DATED: October 28, 2022.

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26 UNITED STATES MAGISTRATE JUDGE
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